

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

<b>BLUE SPIKE, LLC,</b> <i>Plaintiff,</i>	§	
	§	
	§	
v.	§	<b>Case No. 6:12-cv-499</b>
	§	<b>LEAD CASE</b>
<b>TEXAS INSTRUMENTS, INC.</b>	§	
<i>Defendant.</i>	§	

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<b>BLUE SPIKE, LLC,</b> <i>Plaintiff,</i>	§	
	§	
	§	
v.	§	<b>Case No. 6:13-cv-124</b>
	§	<b>CONSOLIDATED CASE</b>
<b>COGNITEC SYSTEMS CORPORATION</b>	§	
<b>and COGNITEC SYSTEMS GmbH</b>	§	
<i>Defendants.</i>	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**OF THE UNITED STATE MAGISTRATE JUDGE**

The above-entitled and numbered civil actions were heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such actions has been presented for consideration. Defendants Cognitec Systems Corp. and Cognitec Systems GMBH filed objections to the Magistrate Judge's findings on Defendants' Motion to Dismiss Plaintiff's Indirect Infringement and Willful Infringement Claims Pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff filed a response to Defendants' objections. The Court conducts a *de novo* review of the Magistrate Judge's findings and conclusions.

According to Defendants, the Court has granted similar motions on behalf of other

defendants, and it was erroneous for the Magistrate Judge to recommend Defendants' motion to dismiss be denied. Defendants further assert Plaintiff's First Amended Complaint, which was filed after Defendants filed their motion to dismiss, does not remedy the pleading deficiencies.

As noted by the Magistrate Judge, in response to Defendants' motion to dismiss, Plaintiff timely amended its pleadings, specifically addressing the Court's previous rulings and the issues raised by Defendant's motion. The Court agrees with the Magistrate Judge that Plaintiff has adequately plead contributory infringement and willful infringement in its First Amended Complaint. Defendants' objections are without merit.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

**ORDERED** that Cognitec Systems Corp. and Cognitec Systems GmbH's Motion to Dismiss Plaintiff's Indirect Infringement and Willful Infringement Claims Pursuant to FED. R. CIV. P. 12(b)(6) (Dkt. No. 1112) is **DENIED**.

**It is SO ORDERED.**

**SIGNED this 2nd day of September, 2014.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE